

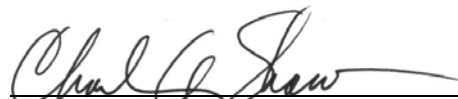
¹As stated in the Memorandum and Order of June 6, 2012, allegations of residence are insufficient to establish diversity jurisdiction. Sanders v. Clemco Indus., 823 F.2d 214, 215 n.1 (8th Cir. 1987). A party must allege facts relating to citizenship. Id. The Court therefore disregards as immaterial plaintiff's assertions regarding the parties' residences.

Defendant's Response asserts that diversity jurisdiction exists. Defendant relies on plaintiff's assertion concerning the amount in controversy. With respect to citizenship, defendant asserts that at the time suit was filed, plaintiff was a citizen of Missouri and it was a Delaware corporation with its principal place of business in Texas.² Defendant states that after the Complaint was filed, it merged into AT&T Services, Inc., which is also a Delaware corporation with its principal place of business in Texas. Defendant's Response is supported by the Declaration of the Assistant Secretary of AT&T Services, Inc., and relevant portions of plaintiff's deposition.

Plaintiff did not file a reply to defendant's Response and the time to do so has passed. Based on the parties' Responses, the Court finds that diversity jurisdiction existed at the time this action was filed, and therefore it has jurisdiction over plaintiff's MHRA claim. As a result, defendant's motion to dismiss should be denied.³

Accordingly,

IT IS HEREBY ORDERED that defendant's motion to dismiss Count II of the Complaint without prejudice is **DENIED**. [Doc. 21]


CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 5th day of July, 2012.

²Diversity of citizenship is determined at the time an action is filed. Freeport-McMoRan, Inc. v. K N Energy, Inc., 498 U.S. 426, 428 (1991).

³It should be noted the Court does not construe plaintiff's motion to dismiss as a motion under Rule 41(a)(2), Fed. R. Civ. P.